

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DEUTSCHE BANK NATIONAL
TRUST COMPANY,

Plaintiff,

V.

ANNE L. DIJULIUS, et al.,

Defendants.

Case No. 1:07CV672

JUDGE PETER C. ECONOMUS

Magistrate Judge George J. Limbert

REPORT AND RECOMMENDATION

The instant matter has been referred to the undersigned for resolution of Plaintiff Deutsche Bank National Trust Company's ("Plaintiff") motion for summary judgment. ECF #29.

On August 7, 2008, the Court conducted a hearing on Plaintiff's motion for summary judgment. At the hearing, Plaintiff was represented by Attorney Michael Wiery. Neither Defendants appeared. Plaintiff submitted a proposed judgment entry for the Court's consideration.

In support of its motion, Plaintiff submits a notarized copy of the mortgage at issue (ECF Dkt. #1, Ex. B), a notarized assignment (ECF Dkt. #29, Ex. A), and an affidavit from Nanci Jimenez, a loan officer, who avers that the account has been in and remains in default. ECF Dkt. #29, Ex. B.

Defendants contend that the signatures on the mortgages and note have been forged. ECF Dkt. #33. In an order filed contemporaneously herewith, the Court Ordered an affidavit of Defendant Jeffrey DiJulius to be stricken from the record, vitiating Defendants' only articulated defense to Plaintiff's motion for summary judgment.

Therefore, the undersigned finds summary judgment to be proper in the instant case and RECOMMENDS that the Court GRANT Plaintiff's motion (ECF Dkt. #29) and enter the proposed judgment entry submitted by Plaintiff.

DATE: August 7, 2008

/s/ George J. Limbert
GEORGE J. LIMBERT
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of service of this notice. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).